

## **EXHIBIT 6**

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**From:** John Mannix [mailto:jmannix@merchantequity.net]  
**Sent:** Monday, June 08, 2009 1:56 PM  
**To:** Dosunmu, Folarin S; cmartin@simon.com; Jeff Gwin; Daniel Daniluk  
**Cc:** Alexandria Lucas; Blanks, Daniel F.; Foley, Douglas M.; Fredericks, Ian S; javallone@djmrealty.com; Jim Marcum; Kelly Lazaroff; michelle\_mosier@ccswinddown.com; Mitchell Weitzman; psummers@simon.com; rtucker@simon.com; Sara Snelson  
**Subject:** Re: Cir City - Bloomingdale Lease - Simon Objection

All,

Due to the large amount of activity and confusion on the Bloomingdale lease assignment in the last 24 hours and discussions initiated by Petsmart to Creative as well as a proposed call later today between Kevin Sims (a Simon executive) and Jeff Gwin (A Creative partner), we think the hearing tomorrow should be delayed until some kind of consensus can be reached with regard to all of the questions that are on the table at the moment. Please advise. Thank you. John Mannix

On 6/8/09 1:14 PM, "Dosunmu, Folarin S" <Folarin.Dosunmu@skadden.com> wrote:

Please provide me with the "cost pool listing." The Company will need a breakdown as to what the \$886,642 represents on the "cost computation summary" that you previously forwarded.

Folarin

**Folarin S. Dosunmu**  
**Skadden, Arps, Slate, Meagher & Flom LLP**  
**333 West Wacker Drive | Chicago | Illinois | 60606-1285**  
**T: 312.407.0672 | F: 312.407.0411**  
**[folarin.dosunmu@skadden.com](mailto:folarin.dosunmu@skadden.com)**

---

**From:** cmartin@simon.com [mailto:cmartin@simon.com]  
**Sent:** Monday, June 08, 2009 11:16 AM  
**To:** Dosunmu, Folarin S (CHI)  
**Cc:** Alexandria Lucas; Blanks, Daniel F.; Foley, Douglas M.; Fredericks, Ian S (WIL); javallone@djmrealty.com; Jim Marcum; John Mannix; Lazaroff, Kelly A (CHI); michelle\_mosier@ccswinddown.com; Mitchell Weitzman; 'psummers@simon.com'; rtucker@simon.com; 'Sara Snelson'  
**Subject:** RE: Cir City - Bloomingdale Lease - Simon Objection

Folarin,

I'm not certain what you keep referring to with regards to invoices. Please clarify as typically a cost computation summary and cost pool listing are provided as backup.

Catherine Martin  
Senior Legal Collections Attorney  
Simon Property Group, Inc.  
225 W. Washington Street  
Indianapolis, IN 46204  
Telephone: (317) 685-7263  
Facsimile: (317) 263-7901  
Email Address: [cmartin@simon.com](mailto:cmartin@simon.com)

' src="cid:723201117@08062009-3293" width=16>"Dosunmu, Folarin S" <Folarin.Dosunmu@skadden.com>

"Dosunmu, Folarin S" <Folarin.Dosunmu@skadden.com> 06/08/2009 12:11  
PM

To: "'cmartin@simon.com'" <cmartin@simon.com>  
cc: "Alexandria Lucas" <alucas@merchantequity.net>, "Blanks, Daniel F." <dblanks@mcguirewoods.com>,  
"Foley, Douglas M." <dfoley@mcguirewoods.com>, "Fredericks, Ian S" <Ian.Fredericks@skadden.com>,  
"javallone@djmrealty.com" <javallone@djmrealty.com>, "Jim Marcum" <jim\_marcum@ccswinddown.com>,  
"John Mannix" <jmannix@merchantequity.net>, "Lazaroff, Kelly A" <Kelly.Lazaroff@skadden.com>,  
"michelle mosier@ccswinddown.com" <michelle\_mosier@ccswinddown.com>, "Mitchell Weitzman"  
<mweitzman@beankinney.com>, "psummers@simon.com" <psummers@simon.com>, "rtucker@simon.com"  
<rtucker@simon.com>, "Sara Snelson" <sara\_snelson@ccswinddown.com>  
Subject: RE: Cir City - Bloomingdale Lease - Simon Objection

The files containing the invoices are in storage. Attached is the breakdown of the line items for the 2007  
CAM reconciliation. The breakdown was created from the invoices that Simon provided to the Company  
for 2007.

Folarin

**Folarin S. Dosunmu**  
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**T: 312.407.0672 | F: 312.407.0411**  
**[folarin.dosunmu@skadden.com](mailto:folarin.dosunmu@skadden.com)**

---

**From:** [cmartin@simon.com](mailto:cmartin@simon.com) [mailto:[cmartin@simon.com](mailto:cmartin@simon.com)]  
**Sent:** Monday, June 08, 2009 10:44 AM  
**To:** Dosunmu, Folarin S (CHI)  
**Cc:** Alexandria Lucas; Blanks, Daniel F.; Foley, Douglas M.; Fredericks, Ian S (WIL);  
[javallone@djmrealty.com](mailto:javallone@djmrealty.com); Jim Marcum; John Mannix; Lazaroff, Kelly A (CHI);  
[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com); Mitchell Weitzman; [psummers@simon.com](mailto:psummers@simon.com); [rtucker@simon.com](mailto:rtucker@simon.com);  
'Sara Snelson'  
**Subject:** RE: Cir City - Bloomingdale Lease - Simon Objection

Folarin,

To move this process along, please send us the documentation you received with the 2007 CAM billing so we can  
quickly identify for our accounting group what you're requesting or please detail by report name. Thank you.

Catherine Martin  
Senior Legal Collections Attorney  
Simon Property Group, Inc.  
225 W. Washington Street  
Indianapolis, IN 46204

Telephone: (317) 685-7263

Facsimile: (317) 263-7901

Email Address: [cmartin@simon.com](mailto:cmartin@simon.com)

' src="cid:723201117@08062009-32A1" width=16>"Dosunmu, Folarin S" <[Folarin.Dosunmu@skadden.com](mailto:Folarin.Dosunmu@skadden.com)>

"Dosunmu, Folarin S"

<[Folarin.Dosunmu@skadden.com](mailto:Folarin.Dosunmu@skadden.com)> 06/08/2009 11:12

AM

To: "[psummers@simon.com](mailto:psummers@simon.com)" <[psummers@simon.com](mailto:psummers@simon.com)>

cc: "Alexandria Lucas" <[alucas@merchantequity.net](mailto:alucas@merchantequity.net)>, "[cmartin@simon.com](mailto:cmartin@simon.com)" <[cmartin@simon.com](mailto:cmartin@simon.com)>, "Blanks, Daniel F." <[dblank@mcguirewoods.com](mailto:dblank@mcguirewoods.com)>, "Foley, Douglas M." <[dfoley@mcguirewoods.com](mailto:dfoley@mcguirewoods.com)>, "Fredericks, Ian S" <[lan.Fredericks@skadden.com](mailto:lan.Fredericks@skadden.com)>, "[javallone@djmrealty.com](mailto:javallone@djmrealty.com)" <[javallone@djmrealty.com](mailto:javallone@djmrealty.com)>, "Jim Marcum" <[jim\\_marcum@ccswinddown.com](mailto:jim_marcum@ccswinddown.com)>, "John Mannix" <[jmannix@merchantequity.net](mailto:jmannix@merchantequity.net)>, "Lazaroff, Kelly A" <[Kelly.Lazaroff@skadden.com](mailto:Kelly.Lazaroff@skadden.com)>, "[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)" <[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)>, "Mitchell Weitzman" <[mweitzman@beankinney.com](mailto:mweitzman@beankinney.com)>, "[rtucker@simon.com](mailto:rtucker@simon.com)" <[rtucker@simon.com](mailto:rtucker@simon.com)>, "Sara Snelson" <[sara\\_snelson@ccswinddown.com](mailto:sara_snelson@ccswinddown.com)>

Subject: RE: Cir City - Bloomingdale Lease - Simon Objection

It is my understanding that in the past years this information has always been provided. Additionally, I thought the goal was to resolve the Cure dispute in advance of the hearing. Currently, we have an approximate \$4K to \$5K difference in asserted Cure amounts. The Company will need this information for both 2008 and 2009 CAM as soon as possible (before 4 pm eastern today) in order to reach a resolution before tomorrow's hearing at 10am eastern time.

Folarin

**Folarin S. Dosunmu**

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**[folarin.dosunmu@skadden.com](mailto:folarin.dosunmu@skadden.com)**

---

**From:** [psummers@simon.com](mailto:psummers@simon.com) [<mailto:psummers@simon.com> <<mailto:psummers@simon.com>> ]

**Sent:** Monday, June 08, 2009 10:06 AM

**To:** Dosunmu, Folarin S (CHI)

**Cc:** Alexandria Lucas; [cmartin@simon.com](mailto:cmartin@simon.com); Blanks, Daniel F.; Foley, Douglas M.; Fredericks, Ian S (WIL); [javallone@djmrealty.com](mailto:javallone@djmrealty.com); Jim Marcum; John Mannix; Lazaroff, Kelly A (CHI);

[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com); Mitchell Weitzman; '[psummers@simon.com](mailto:psummers@simon.com)'; [rtucker@simon.com](mailto:rtucker@simon.com)

**Subject:** RE: Cir City - Bloomingdale Lease - Simon Objection

Folarin,

I will provide what is required under the lease. If we typically have provided Circuit City this information, then I will attempt to compile it prior to the hearing.

Thank you,  
Patty Summers  
Bankruptcy Paralegal  
Simon Property Group  
225 W. Washington Street  
Indianapolis, IN 46204  
PH: (317) 685-7325  
FAX: (317) 263-7901  
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**"Dosunmu, Folarin S" <[Folarin.Dosunmu@skadden.com](mailto:Folarin.Dosunmu@skadden.com)>** 06/08/2009 10:48 AM

To: "[psummers@simon.com](mailto:psummers@simon.com)" <[psummers@simon.com](mailto:psummers@simon.com)>  
cc: "Alexandria Lucas" <[alucas@merchantequity.net](mailto:alucas@merchantequity.net)>, "[cmartin@simon.com](mailto:cmartin@simon.com)" <[cmartin@simon.com](mailto:cmartin@simon.com)>, "Blanks, Daniel F." <[dblanksmcguirewoods.com](mailto:dblanksmcguirewoods.com)>, "Foley, Douglas M." <[dfoley@mcguirewoods.com](mailto:dfoley@mcguirewoods.com)>, "Fredericks, Ian S" <[ian.fredericks@skadden.com](mailto:ian.fredericks@skadden.com)>, "[javallone@djmrealty.com](mailto:javallone@djmrealty.com)" <[javallone@djmrealty.com](mailto:javallone@djmrealty.com)>, "Jim Marcum" <[jim\\_marcum@ccswinddown.com](mailto:jim_marcum@ccswinddown.com)>, "John Mannix" <[jmannix@merchantequity.net](mailto:jmannix@merchantequity.net)>, "Lazaroff, Kelly A" <[kelly.lazaroff@skadden.com](mailto:kelly.lazaroff@skadden.com)>, "[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)" <[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)>, "Mitchell Weitzman" <[mweitzman@beankinney.com](mailto:mweitzman@beankinney.com)>, "[rtucker@simon.com](mailto:rtucker@simon.com)" <[rtucker@simon.com](mailto:rtucker@simon.com)>  
Subject: RE: Cir City - Bloomingdale Lease - Simon Objection

The Company will need the actual complete invoices to reconcile the 2008 CAM. The Company will need to review the breakdown of line items that comprise the "Current Year Costs" at \$886,642.

We would also would need the same for 2009 CAM.

Please advise.

Folarin

**Folarin S. Dosunmu**  
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**From:** [psummers@simon.com](mailto:psummers@simon.com) [<mailto:psummers@simon.com> <<mailto:psummers@simon.com>> ]  
**Sent:** Friday, June 05, 2009 5:17 PM  
**To:** Dosunmu, Folarin S (CHI)  
**Cc:** Alexandria Lucas; [cmartin@simon.com](mailto:cmartin@simon.com); Blanks, Daniel F.; Foley, Douglas M.; Fredericks, Ian S (WIL); [javallone@djmrealty.com](mailto:javallone@djmrealty.com); Jim Marcum; John Mannix; Lazaroff, Kelly A (CHI); [michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com); Mitchell Weitzman; [rtucker@simon.com](mailto:rtucker@simon.com)  
**Subject:** RE: Cir City - Bloomingdale Lease - Simon Objection

Folarin,

Pursuant to our call this afternoon, attached is the CAM Recoverable Cost Computation Summary for the \$85,393.05 charge on our cure exhibit. The \$12,994.72 cost computation summary is not in the same file, so I wasn't able to locate a copy to send you this afternoon. I will obtain the backup by Monday and get it to you as early as possible.

Thank you,  
Patty Summers  
Bankruptcy Paralegal  
Simon Property Group  
225 W. Washington Street  
Indianapolis, IN 46204  
PH: (317) 685-7325  
FAX: (317) 263-7901  
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"Dosunmu, Folarin S" <[Folarin.Dosunmu@skadden.com](mailto:Folarin.Dosunmu@skadden.com)> 06/03/2009 02:09 PM

To: "'[psummers@simon.com](mailto:psummers@simon.com)'" <[psummers@simon.com](mailto:psummers@simon.com)>

cc: "Alexandria Lucas" <[alucas@merchantequity.net](mailto:alucas@merchantequity.net)>, "Blanks, Daniel F." <[dblanks@mcguirewoods.com](mailto:dblanks@mcguirewoods.com)>, "Foley, Douglas M." <[dfoley@mcguirewoods.com](mailto:dfoley@mcguirewoods.com)>, "Fredericks, Ian S" <[ian.Fredericks@skadden.com](mailto:ian.Fredericks@skadden.com)>, "[javallone@djimrealty.com](mailto:javallone@djimrealty.com)" <[javallone@djimrealty.com](mailto:javallone@djimrealty.com)>, "Jim Marcum" <[jim\\_marcum@ccswinddown.com](mailto:jim_marcum@ccswinddown.com)>, "John Mannix" <[jmannix@merchantequity.net](mailto:jmannix@merchantequity.net)>, "Lazaroff, Kelly A" <[Kelly.Lazaroff@skadden.com](mailto:Kelly.Lazaroff@skadden.com)>, "[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)" <[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)>, "Mitchell Weitzman" <[mweitzman@beankinney.com](mailto:mweitzman@beankinney.com)>, "[rtucker@simon.com](mailto:rtucker@simon.com)" <[rtucker@simon.com](mailto:rtucker@simon.com)>, "[cmartin@simon.com](mailto:cmartin@simon.com)" <[cmartin@simon.com](mailto:cmartin@simon.com)>

Subject: RE: Cir City - Bloomingdale Lease - Simon Objection

An attachment named DOCUMENT.PDF was removed.

The attached document represents what Simon asserts in its Cure Statement.

I will need proof of the following items:

- 2008 Y/E Tax Adjustment
- Pre Petition DOF 11/10/08
- The two charges for Year End CAM Adjustment (which I believe are for 2008 and 2009 respectively)

The cure amount stated in the Sale Motion is \$154,111.58 which is comprised of:

- \$43,076.26 - 2008 taxes
- \$5,416.66 - May Rent

- \$1,083.33 - June Rent (3 days)
- 10,833.33 - November Rent
- \$66,142.00- 2008 CAM
- \$27,560.00- 2009 CAM

Our CAM amounts were estimates, based on the average of the prior 3 years of CAM) as we have not received the 2008 or 2009 CAM bills/invoices yet.

**Folarin S. Dosunmu**

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**From:** [psummers@simon.com](mailto:psummers@simon.com) [mailto:[psummers@simon.com](mailto:psummers@simon.com) <<mailto:psummers@simon.com>> ]

**Sent:** Wednesday, June 03, 2009 12:51 PM

**To:** Dosunmu, Folarin S (CHI)

**Cc:** Alexandria Lucas; Blanks, Daniel F.; Foley, Douglas M.; Fredericks, Ian S (WIL); [javallone@djmrealty.com](mailto:javallone@djmrealty.com); Jim Marcum; John Mannix; Lazaroff, Kelly A (CHI); [michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com); Mitchell Weitzman; [rtucker@simon.com](mailto:rtucker@simon.com); [cmartin@simon.com](mailto:cmartin@simon.com)

**Subject:** RE: Cir City - Bloomingdale Lease - Simon Objection

Folarin,

In order that I can better understand what documentation is needed, please send me a break down of what charges are included in the proposed cure payment asserted in the Sale Motion.

Thank you,  
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Bankruptcy Paralegal  
Simon Property Group  
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"Dosunmu, Folarin S" <[Folarin.Dosunmu@skadden.com](mailto:Folarin.Dosunmu@skadden.com)>

06/03/2009 01:28 PM



To: "'psummers@simon.com'" <psummers@simon.com>, "Foley, Douglas M." <dfoley@mcguirewoods.com>  
cc: "Alexandria Lucas" <alucas@merchantequity.net>, "Blanks, Daniel F." <dblanks@mcguirewoods.com>, "Fredericks, Ian S" <ian.Fredericks@skadden.com>, "javallone@djmrealty.com" <javallone@djmrealty.com>, "Jim Marcum" <jim\_marcum@ccswinddown.com>, "John Mannix" <jmannix@merchantequity.net>, "Lazaroff, Kelly A" <Kelly.Lazaroff@skadden.com>, "michelle mosier@ccswinddown.com" <michelle\_mosier@ccswinddown.com>, "Mitchell Weitzman" <mweitzman@beankinney.com>, "rtucker@simon.com" <rtucker@simon.com>  
Subject: RE: Cir City - Bloomingdale Lease - Simon Objection

Patty,

The Cure Amount stated in the Sale Motion (\$154,111.58) includes the \$5,416.66 that remains outstanding for May rent and the \$1,083.33 that remains outstanding for June Rent (\$10,833.33/30 x 3) for the accrued 3 days of June.

I just sent you a separate email asking for bills/invoices relating to the CAM charges and 2008 Y/E Tax adjustment. In addition, please explain the Pre-Petition DOF 11/10/08 charge for \$18,791.24.

Folarin

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**From:** [psummers@simon.com](mailto:psummers@simon.com) [<mailto:psummers@simon.com> <<mailto:psummers@simon.com>> ]  
**Sent:** Wednesday, June 03, 2009 12:11 PM  
**To:** Foley, Douglas M.  
**Cc:** Alexandria Lucas; Blanks, Daniel F.; Dosunmu, Folarin S (CHI); Fredericks, Ian S (WIL); [javallone@djmrealty.com](mailto:javallone@djmrealty.com); Jim Marcum; John Mannix; Lazaroff, Kelly A (CHI); [michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com); Mitchell Weitzman; [psummers@simon.com](mailto:psummers@simon.com); [rtucker@simon.com](mailto:rtucker@simon.com)  
**Subject:** RE: Cir City - Bloomingdale Lease - Simon Objection

Doug,

The discrepancy in the cure amount is the remaining balance for May Ground Rent and the full amount of June Ground Rent. If the Debtor can provide proof of payment for these, then we are okay with the cure amount stated in the Sale Motion. If however, they have not paid the aforementioned May and June rent, then we want it included in cure payment, and do not agree with the deferment of this issue.

The use issue is being addressed by Catherine at this time, I will only state that we are not in agreement on this matter at this time.

The issue of the accrued but unbilled adjustments, I do not agree to submitting an administrative claim for the adjustment billing when it posts to the account. This lease is being assigned, as such, if the tenant is agreeing to



abide by the terms of the lease, then these adjustments must be paid in accordance with the terms of the lease. We are seeking assurance that they will not try to assert that any part of the billed amount that accrued during the pre-sale (including pre-petition) time period is not due because it was part of the cure, which it is not.

Thank you,  
Patty Summers  
Bankruptcy Paralegal  
Simon Property Group  
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FAX: (317) 263-7901  
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**"Foley, Douglas M." <[dfoley@mcguirewoods.com](mailto:dfoley@mcguirewoods.com)>**

06/03/2009 12:41 PM

To: <[psummers@simon.com](mailto:psummers@simon.com)>

cc: "Alexandria Lucas" <[alucas@merchantequity.net](mailto:alucas@merchantequity.net)>, "Blanks, Daniel F." <[dblank@mcguirewoods.com](mailto:dblank@mcguirewoods.com)>, "Fredericks, Ian S" <[ian.fredericks@skadden.com](mailto:ian.fredericks@skadden.com)>, <[javallone@djmrealty.com](mailto:javallone@djmrealty.com)>, "Jim Marcum" <[jim\\_marcum@ccswinddown.com](mailto:jim_marcum@ccswinddown.com)>, "John Mannix" <[jmannix@merchantequity.net](mailto:jmannix@merchantequity.net)>, "Lazaroff, Kelly A" <[Kelly.Lazaroff@skadden.com](mailto:Kelly.Lazaroff@skadden.com)>, <[michelle\\_mosier@ccswinddown.com](mailto:michelle_mosier@ccswinddown.com)>, "Mitchell Weitzman" <[mweitzman@beankinney.com](mailto:mweitzman@beankinney.com)>, <[rtucker@simon.com](mailto:rtucker@simon.com)>, "Dosunmu, Folarin S" <[Folarin.Dosunmu@skadden.com](mailto:Folarin.Dosunmu@skadden.com)>, "John Mannix" <[jmannix@merchantequity.net](mailto:jmannix@merchantequity.net)>

Subject: RE: Cir City - Bloomingdale Lease - Simon Objection

Patty- I did not get an email from Katherine Martin yet so please forward this to her. I understand we have agreed that the cure issue raised in the objection will be dealt with by paying the undisputed amount in 5 days and escrowing the disputed amount until we resolve or have the Ct determine it at the June 23rd hearing date. As to the use issue the assignee has confirmed they intend to abide by the terms of the lease and applicable documents regarding your concern with respect to any consents they might need with respect to further splitting the space. Finally, as to the accrued but unbilled and unescrowed postpetition 2009 taxes for which you do not have an estimate all we can suggest is that you file an administrative expense request by the June 30th bar date and we can deal with that as part of the admin expense claim reconciliation process. Since it is not prepetition, not billed, not due, and you have no estimate, it is not a cure obligation that has to be paid upon assumption and assignment. But if you file an administrative expense request by the bar date it will be reconciled and resolved in the ordinary course. I hope this resolves all the issues with Simon. If it does not please let me know.

As to the back up detail on the cure schedule attached to the objection, Folarin Dosunmu (copied on this email) will follow up with you regarding anything else we need to reconcile the difference between our number and Simon's. Thanks. Doug.